

Docket No. FIFRA-08-2002-14

Pursuant to 40 C.F.R. § 22.18(c) of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Consent Order. The Respondent is hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Consent Order.

So ORDERED, this 4th day of November, 2002.

1

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

Docket No. FIFRA-08-2002-14

<u>IN THE MATTER OF:</u>	)	
	)	
	)	
Jeffrey D. Sorenson	)	<b>CONSENT AGREEMENT</b>
d.b.a. Rabbit Shadow Farms	)	
2880 East Highway 402	)	
Loveland, Colorado 80537,	)	
	)	
	)	
Respondent.	)	
	)	

Complainant, United States Environmental Protection Agency, Region VIII ("EPA"), and Jeffrey D. Sorenson, doing business as, Rabbit Shadow Farms, ("Respondent"), by their undersigned representative(s), hereby consent and agree as follows:

**I. PRELIMINARY STATEMENT**

1. This matter is subject to 40 C.F.R. Part 22. This Consent Agreement is entered into by the parties for the purpose of concluding this matter, as provided for in 40 C.F.R. Section 22.13(b) .
2. The Complaint filed in this matter alleges that Respondent sold or distributed an unregistered pesticide, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. Section 136j(a)(1)(A) .
3. This Consent Agreement (hereafter the "Consent Agreement")

applies to and is binding upon EPA and upon Respondent, and Respondent's officers, directors, employees, agents, successors and assigns. Any change in the constitution of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this Agreement.

4. Respondent waives its right to a hearing on any issue of law or fact set forth in this Pleading.
5. Respondent admits the jurisdictional allegations contained herein and neither admits nor denies the specific factual allegations contained in the Complaint filed in this matter.

## **II. TERMS OF SETTLEMENT**

6. The Complaint filed in this matter proposed a higher penalty assessment than the amount agreed to herein. For good cause shown, and for the purposes of settlement, Complainant agrees to reduce the penalty proposed in the Complaint to SIX THOUSAND NINETY DOLLARS (\$6,090).
7. Respondent consents to the issuance of a Final Order which incorporates the terms and conditions of this Consent Agreement, and to pay the civil penalty set forth in Paragraph 8 below.
8. Respondent agrees to pay a penalty in the amount of SIX THOUSAND NINETY DOLLARS (\$6,090).
9. Respondent agrees to pay the above stated penalty amount

in seven (7) installments of EIGHT HUNDRED SEVENTY DOLLARS (\$870) per installment. Respondent specifically agrees that should it be delinquent with any installment payment, interest due shall be calculated from the date of the first installment payment date. Such interest calculation is non-discretionary and required by federal government debt collection procedures.

10. The first penalty installment of \$870 is due on or before March 1, 2003. This payment shall be made by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," to:

Mellon Bank  
EPA Region VIII  
Attn: Superfund Accounting  
P.O. Box 360859  
Pittsburgh, PA. 15251

The second penalty installment of \$870 is due on or before June 1, 2003. The third penalty installment of \$870 is due on or before September 1, 2003. The fourth installment payment of \$870 is due December 1, 2003. The fifth installment payment of \$870 is due March 1, 2004. The sixth installment payment of \$870 is due June 1, 2004. The seventh and final installment payment of \$870 is due September 1, 2004. Respondent shall make these **seven** installment payments by remitting a cashier's or certified check for the specified amount, payable to "Treasurer,

United States of America," to:

Mellon Bank  
EPA Region VIII  
(Regional Hearing Clerk)  
P.O. Box 360859M  
Pittsburgh, PA. 15251

Each check shall reference the name and address of Respondent's facility and the EPA docket number (Docket No. FIFRA-08-2002-14) of this action. A copy of the check shall be sent simultaneously to:

David Golden  
Technical Enforcement Program (8ENF-T)  
U.S. EPA Region VIII  
999 18<sup>th</sup> Street, Suite 300  
Denver, Colorado 80202-2466

11. Respondent agrees and consents that if Respondent fails to pay the penalty amount on the due dates set forth in paragraph ten (10) above, the full penalty amount of \$6,090 (SIX THOUSAND NINETY DOLLARS) or any unpaid balance thereof, shall become due and owing by the Respondent, or, EPA in its sole discretion, may waive all or part of such acceleration. Furthermore, in the event timely payment is not made, consistent with Paragraph 10 above, interest on the penalty amount or any unpaid balance shall accrue at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of twenty dollars (\$20.00) shall be imposed after the first 30 days that the

payment, or any portion thereof, is overdue, with an additional charge of ten dollars (\$10.00) imposed for each subsequent 30-day period until the payment due is made. In addition, a six percent (6%) per annum penalty shall be applied on any principal amount not paid by the due dates set forth in Paragraph 9 above.

12. This Agreement shall not relieve Respondent of their obligation to comply with all applicable provisions of federal, state or local law.
13. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete, full and final settlement of the specific violations alleged in the Complaints filed in these matters.
14. Each undersigned representative of the Parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to bind the parties to the terms and conditions of this Pleading and to execute and legally bind that party to this Pleading.
15. Each party shall bear its own costs and attorneys fees in connection with all issues associated with this Pleading.

IN THE MATTER OF: Jeffrey D. Sorenson,  
Docket No. FIFRA-08-2002-14

UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY, REGION 8,  
OFFICE OF ENFORCEMENT, COMPLIANCE, AND  
ENVIRONMENTAL JUSTICE,

Complainant.

Date: 11/4/02 By: SIGNED DJJ  
Michael T. Risner, Director  
David J. Janik, Supervisory  
Enforcement Attorney  
Legal Enforcement Program

Date: 10/29/02 By: SIGNED  
Connally Mears, Director  
Technical Enforcement Program

Date: 10/28/02 By: SIGNED  
Eduardo Quintana  
Enforcement Attorney  
Legal Enforcement Program  
Phone: (303)-312-6924  
FAX: (303) 312-6953

JEFFREY D. SORENSON,

Respondent.

Date: 10/28/02 By: SIGNED BY JEFFRY SORENSON, PRESIDENT  
NAME:  
TITLE:

Date: \_\_\_\_\_ By: \_\_\_\_\_  
NAME:  
TITLE:

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **RABBIT SHADOW FARMS, DOCKET NO.: FIFRA-08-2002-14** was filed with the Regional Hearing Clerk on 11/04/02

Further, the undersigned certifies that a true and correct copy of the document was delivered to Eduardo Quintana, Enforcement Attorney, U.S. EPA - Region VIII, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

JEFFREY D. SORENSON  
Rabbit Shadow Farms  
2880 East Highway 402  
Loveland, CO 80537

November 4, 2002

SIGNED  
\_\_\_\_\_  
Tina Artemis  
Regional Hearing Clerk